

EXHIBIT N

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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ALPHA PHI ALPHA FRATERNITY,
INC., a nonprofit organization
on behalf of members residing
in Georgia, et al.,

Plaintiffs,

CASE NO.

1:21-CV-05337-SCJ

vs.

BRAD RAFFENSPERGER, in his
official capacity as Secretary
of State of Georgia,

Defendant.

VIDEOTAPED DEPOSITION OF JOHN R. ALFORD, Ph.D.
APPEARING REMOTE FROM
ATLANTA, GEORGIA

FEBRUARY 27, 2023

10:01 A.M. EASTERN

Reported By:

Judith L. Leitz Moran

RPR, RSA, CCR-B-2312

APPEARING REMOTELY

1 Q -- area?

2 Sorry.

3 A Sorry, that was my fault.

4 Q No, no, go ahead.

5 A But the answer is, yes, they are
6 supporting different --

7 MR. JACOUTOT: I'm going to object to
8 form for that. Sorry, I'm a little late but...

9 MR. MILLER: Okay. Let me -- let me
10 reask it. I may draw the same objection.

11 MR. JACOUTOT: Okay.

12 BY MR. MILLER:

13 Q But in -- in Appendix A2, are Black
14 voters and white voters cohesively supporting
15 different candidates?

16 MR. JACOUTOT: Object to form.

17 A Okay. So, yes, here I think, again, by
18 any reasonable definition these are -- both cases
19 are mostly above 90 percent. They're supporting
20 different candidates, they're supporting them
21 cohesively, and as a consequence the voting is
22 polarized.

23 BY MR. MILLER:

24 Q Okay. And would you say that the -- how
25 would you describe the degree of polarization in

1 the elections in Appendix A2?

2 MR. JACOUTOT: Object to form.

3 A I'd describe it as polarized.

4 BY MR. MILLER:

5 Q Would you say that it is starkly
6 polarized in Appendix A2?

7 MR. JACOUTOT: Object to form.

8 A I -- I mean, I don't know. I -- it's --
9 again, the numbers speak for themselves. It's -- I
10 think it's clearly -- this is clear polarization.

11 This is what polarization looks like
12 when, you know, 90 percent of a group -- one group
13 goes one way and 90 percent goes the other.

14 This is what polarization looks like in
15 Congress when 90 percent of the Republicans vote
16 one way and 90 percent of the Democrats vote the
17 other.

18 It's not perfectly polarized or as
19 sometimes as you know from reporting on Congress
20 if -- if 12 percent of the Republicans in Congress
21 crossed over to vote with the Democrats, some
22 people would label that a bipartisan piece of
23 legislation because it actually drew more than one
24 person from the other side. So there is
25 polarization worse than this and we've seen it.

1 But in terms of voter polarization, this
2 is exactly -- this is unambiguous, the two groups
3 are voting cohesively in different directions and
4 they're doing so in an obvious pattern, right, that
5 the Democrat -- the Republicans -- I'm sorry, the
6 Black voters are voting overwhelmingly Democratic
7 in this area, white voters are voting
8 overwhelmingly Republican.

9 And so we can look down the list and each
10 time we see that exact result, that -- that -- that
11 is what's happening here. It's a very high degree
12 of partisan polarization.

13 BY MR. MILLER:

14 Q Do you also see in this appendix Black
15 voters cohesively supporting the Black candidate?

16 A Well, we can see in the first election
17 they're supporting a Black candidate.

18 Interestingly enough, at 98.5 percent
19 they're supporting Warnock. And then you have
20 another Black candidate that's getting 1 percent of
21 the vote. So that's -- again, the Black vote is --
22 within the Black vote it's polarized in favor of
23 the Democratic candidate.

24 Black voters --

25 Q And just to make sure that we're on the

1 same page here, which -- which election are --
2 okay, so you're looking at either the 20 -- are you
3 looking at the first election? I just want to make
4 sure that we're --

5 A No.

6 Q -- we're talking about the same thing,
7 the 2022 U.S. Senate with a Black --

8 A So A2 -- the first election in A2, 2022
9 General --

10 Q Okay.

11 A -- Warnock and Walker.

12 Q Okay. And so here you have -- you have
13 cohesive support by Black voters for a Black
14 candidate, right?

15 A Correct. And not for the other Black
16 candidate. They're polarized in this election by
17 party.

18 Q Okay.

19 A Black voters are polarized by party.

20 Q Okay.

21 A And then if you drop down to the 2021
22 U.S. Senate Election, Ossoff/Perdue, you have two
23 white candidates. And you'll notice the exact same
24 result, right, 98.9 against 1.1, right?

25 So, again, Black voters are polarized

1 here in favor of the Democratic candidate in spite
2 of the fact that the Democratic candidate is white
3 and there is no Black candidate here.

4 So, yeah, there's -- there is no evidence
5 here of -- of a racial effect. And so probably
6 that racially polarized voting in my view is -- is
7 an overstatement.

8 And -- and if you sort of carefully
9 exclude, which a definition of using only racially
10 contested elections would do, right, the two
11 elections we've talked about, Herschel
12 Walker/Warnock and Ossoff/Perdue are not racially
13 contested elections, they don't belong in this
14 table.

15 But by her definition when you would take
16 them out, you would be able to go through that
17 entire table and show that in every case the voting
18 was polarized with regard to the race of the
19 candidate.

20 And that's just -- right, that's just
21 misleading because as we can see when we see the
22 Ossoff/Perdue contest or the Warnock/Walker
23 contest, we see the exact same result.

24 And again, what that shows us is that
25 this is polarized by party consistently and not

1 by -- it's only by -- by cutting out of the table
2 everything that suggests that there's a party
3 influence that's different than the -- than the
4 racial influence that allows you to say what you
5 were -- I mean, your question was, doesn't this
6 show that Black voters are voting cohesively for
7 Black candidates?

8 And the answer is when they are the
9 Democrat they are and when they're not the Democrat
10 they -- it makes no difference at all, right?

11 It's just this is just highly polarized
12 partisan voting irrespective of the race of the
13 candidates.

14 Q Is there -- Doctor, did you --

15 A That's what those two Senate races tell
16 you. That's what -- those two Senate races are --
17 they're recent. They're extremely high profile.
18 Everybody knew the race of the candidates, I
19 suspect. Everybody knew the party of the
20 candidates.

21 They're just -- that's -- all you need is
22 to look at those two contests and they tell you
23 unambiguously what this voting pattern is about.
24 And particularly, they're telling you unambiguously
25 what you can't attribute this to.